

京都大学若手人材海外派遣事業 ジョン万プログラム
研究者派遣プログラム

英文報告書

提出日：平成 26 年 4 月 15 日

1. 渡航者 (日本語)			
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研究課題名	Arbitration in WTO Dispute Settlement System		
海外渡航期間	平成 25 年 8 月 16 日～平成 26 年 3 月 13 日		
渡航先 (英語表記)	国名：The United Kingdom 大学等研究機関名：The Centre for Commercial Law Studies 研究室名等： 受入研究者名：Loukas Mistelis		
2. 渡航の報告 (英文)			
<p>渡航先の研究環境、研究者との交流、研究発表の状況等、渡航中の滞在経験について英語 (500～1000 語) で記述して下さい。受入研究者と撮影した写真や研究発表で用いた図等について、可能な範囲で別添として提出して下さい。ページ数については増加してもかまいません。 この報告は、ジョン万プログラムの成果として、京都大学ホームページ (英文) などに掲載される ことがあります。</p>			
<p>The Centre for Commercial Law Studies (CCLS) is located in the heart of legal London (Lincoln's Inn Fields). As a Visiting Scholar, I was able to use CCLS resources (QMUL Library, electronic resources) and attend CCLS programs and seminars. Visiting Scholars were also given a hot-desk space in a common laboratory that we shared with doctoral and post-doctoral students. Thanks to this study environment, we had the opportunity to strengthen the mutual exchange and deepen our friendship on a daily basis, both of which created wonderful conditions for exchanging opinions about a wide range of academic topics. I chose CCLS as the visiting institution because I was interested in the studies of Hosting Researcher. Professor Mistelis is an acknowledged authority on international dispute resolution and we share the same interest of 'harmonization of arbitration procedure'. During the term of visit, in addition to benefitting from his lecture (International Trade and Investment Dispute Settlement), I was privileged to have him guide me heuristically and creatively with one-to-one supervision, and his advice stimulated my academic desire and enriched my research. I was also fortunate to attend a variety of lectures concerning international public law, such as International commercial law, International Law of Armed Conflict and the Use of Force and International Human Rights.</p> <p>In addition to the above, studying at CCLS provided me the opportunities to expand my research vision in the following ways: first, the University of London is a member of the Society of</p>			

College, National and University Libraries (SCONUL) Access scheme. After registration, I was able to gain access to and borrow books from other libraries that belong to the scheme that covers most of the university libraries in the UK. This enabled me to easily collect a broad range of resources. Second, the school of law brings together leading figures from every area of commercial and public law, which makes interdisciplinary legal studies possible. Third, there have been regular research seminars where the other PhD students and I could meet and share ideas in formal and informal sessions. I have benefited greatly from conversations and discussions with the members of academic staff who are from all parts of the world.

As to the research outcome, through this term of visiting, I realized that the direction of recent research of international economic law has been shifting from WTO which treat the disputes between nations to the problems regarding to international investment disputes in where individuals and private enterprise are the main actors. That is one of the reasons why it is reported that nations are increasingly prepared to accept the transfer of adjudicative authority from the courts to arbitrators. However, the rise of international arbitration in the resolution of individual claims against states does not alter the fact that adjudication goes to the core of juridical sovereignty. Moreover, the arbitration in the WTO is not exactly international arbitration; it lacks some of the characteristics that make international arbitration almost magical in its superiority over competing methods of dispute resolution. Therefore, in future research, I am going to delve into the grey areas of the public-private distinctions in international arbitration, explore the possibility of more effective integration of arbitration as an alternative means of handling the handful of major, politically sensitive cases that test the limits of the WTO dispute settlement system.